
By: **Delegate Pendergrass**

Introduced and read first time: February 7, 2003

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance - Private Review Agents - Certification**

3 FOR the purpose of authorizing the Insurance Commissioner to consider an applicant
4 to become a private review agent as having met a particular certification
5 requirement under certain circumstances; authorizing the Commissioner to
6 adopt certain regulations; requiring that a certain report be made available to
7 the public on request; and generally relating to the certification of private
8 review agents.

9 BY repealing and reenacting, with amendments,
10 Article - Insurance
11 Section 15-10B-03
12 Annotated Code of Maryland
13 (2002 Replacement Volume and 2002 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Insurance**

17 15-10B-03.

18 (a) A private review agent may not conduct utilization review in this State
19 unless the Commissioner has granted the private review agent a certificate.

20 (b) The Commissioner shall issue a certificate to an applicant that has met all
21 the requirements of this subtitle and all applicable regulations of the Commissioner.

22 (c) A certificate issued under this subtitle is not transferable.

23 (D) THE COMMISSIONER MAY CONSIDER AN APPLICANT AS HAVING MET A
24 PARTICULAR CERTIFICATION REQUIREMENT UNDER THIS SUBTITLE IF:

25 (1) THE APPLICANT HAS OBTAINED UTILIZATION MANAGEMENT
26 ACCREDITATION FROM AN APPROVED ACCREDITING ORGANIZATION AS
27 DETERMINED BY THE COMMISSIONER;

1 (2) THE APPROVED ACCREDITING ORGANIZATION HAS REQUIREMENTS
2 THAT MEET OR EXCEED THE PARTICULAR REQUIREMENT IN THIS SUBTITLE; AND

3 (3) THE APPLICANT DEMONSTRATES THAT THE APPLICANT MEETS OR
4 EXCEEDS THE PARTICULAR REQUIREMENT UNDER THIS SUBTITLE.

5 (E) THE COMMISSIONER MAY ADOPT REGULATIONS TO IMPLEMENT THE
6 PROVISIONS OF THIS SECTION.

7 (F) THE COMMISSIONER MAY NOT ISSUE A CERTIFICATE TO AN APPLICANT
8 WITH UTILIZATION MANAGEMENT ACCREDITATION BY AN APPROVED ACCREDITING
9 ORGANIZATION UNLESS THE APPLICANT MEETS ALL THE REQUIREMENTS OF THIS
10 SUBTITLE AND ALL APPLICABLE REGULATIONS OF THE COMMISSIONER.

11 (G) A REPORT OF AN APPROVED ACCREDITING ORGANIZATION USED BY THE
12 COMMISSIONER AS EVIDENCE THAT THE APPLICANT HAS MEET A PARTICULAR
13 REQUIREMENT FOR A PRIVATE REVIEW AGENT CERTIFICATE SHALL BE MADE
14 AVAILABLE BY THE COMMISSIONER TO THE PUBLIC ON REQUEST.

15 [(d)] (H) (1) The Commissioner, after consultation with payors, including
16 the Health Insurance Association of America, the League of Life and Health Insurers
17 of Maryland, and the Maryland Association of Health Plans, and providers of health
18 care, including the MHA: the Association of Maryland Hospitals and Health Systems,
19 CareFirst BlueCross BlueShield, the Medical and Chirurgical Faculty of Maryland,
20 and licensed or certified providers of treatment for a mental illness, emotional
21 disorder, or a drug abuse or alcohol abuse disorder, shall adopt regulations to
22 implement the provisions of this subtitle.

23 (2) (i) Subject to the provisions of subparagraph (iii) of this paragraph,
24 the regulations adopted by the Commissioner shall include a uniform treatment plan
25 form for utilization review of services for the treatment of a mental illness, emotional
26 disorder, or a substance abuse disorder.

27 (ii) The uniform treatment plan form adopted by the
28 Commissioner:

29 1. shall adequately protect the confidentiality of the patient;
30 and

31 2. may only request the patient's membership number, policy
32 number, or other similar unique patient identifier and first name for patient
33 identification.

34 (iii) The Commissioner may waive the requirements of regulations
35 adopted under subparagraph (i) of this paragraph for the use of a uniform treatment
36 plan form for any entity that would be using the form solely for internal purposes.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 October 1, 2003.